

PUBLIC NOTICE

Notice to Water Users
(Pursuant to Section 85-2-307, MCA)

The following application has been submitted to appropriate water in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION FOR BENEFICIAL WATER USE PERMIT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

OBJECTION DEADLINE: JANUARY 29, 2016. THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 210 SIXTH AVE, PO BOX 1828, HAVRE, MT 59501-1828, PHONE: 406-265-5516, FAX: 406-265-2225.

IF ISSUED, THE RIGHT WILL BE SUBJECT TO PRIOR EXISTING WATER RIGHTS.

Application Number: 41K 30072520

Owners: CHASE A BRADY
421 3RD LN NE
FAIRFIELD, MT 59436 9208

Priority Date: FEBRUARY 26, 2015 at 10:30 A.M.

Purpose (use): IRRIGATION

Maximum Flow Rate: 425.00 GPM

Maximum Volume: 58.00 AC-FT

Maximum Acres: 29.00

Source Name: MUDDY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSESE	26	23N	2W	TETON
Period of Diversion: MAY 15 TO SEPTEMBER 15						Flow Rate: 425.00 GPM
Diversion Means:		PUMP				
Period of Diversion:		THE APPROPRIATOR MAY ONLY DIVERT DURING PERIODS WHEN THE APPROPRIATOR OBTAINS CONFIRMATION FROM USFWS THAT IT IS NOT DIVERTING WATER FROM MUDDY CREEK PURSUANT TO STATEMENT OF CLAIM NO. 41K 188174 00. APPROPRIATOR SHALL KEEP A RECORD OF THE NAME OF THE INDIVIDUAL AT THE USFWS CONTACTED AND DATES FOR WHICH CONFIRMATION WAS OBTAINED THAT THE USFWS WOULD NOT BE DIVERTING WATER FROM MUDDY CREEK PURSUANT TO STATEMENT OF CLAIM NO. 41K 188174 00 WHEN THE APPROPRIATOR IS DIVERTING WATER PURSUANT TO THIS CONDITION.				

Purpose (Use): IRRIGATION

Irrigation Type: SPRINKLER

Climatic Area: 3 - MODERATE

Volume: 58.00 AC-FT

Period of Use: MAY 15 to SEPTEMBER 15

Place of Use:							
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	29.00		SESE	26	23N	2W	TETON
Total:	29.00						

Remarks:

IMPORTANT INFORMATION

PRIOR TO COMMENCING DIVERSIONS UNDER THIS PERMIT THE APPROPRIATOR SHALL MAKE PROVISION TO MITIGATE ADVERSE EFFECT TO SURFACE WATER RIGHTS BY REPLACING THE FULL VOLUME OF NET DEPLETION OF THE APPROPRIATION. THE APPROPRIATOR SHALL REPLACE AN EQUIVALENT AMOUNT OF WATER TO THE MAINSTEM OF THE MISSOURI RIVER ABOVE RAINBOW DAM IN THE FOLLOWING MANNER: THE APPROPRIATOR SHALL MITIGATE DEPLETIONS TO SURFACE WATER AND PROVIDE FOR LEGAL AVAILABILITY OF SURFACE WATER UNDER THIS PERMIT THROUGH THE

PURCHASE OF A U.S. BUREAU OF RECLAMATION (BOR) WATER SERVICE CONTRACT FROM CANYON FERRY RESERVOIR. THE VOLUME OF WATER STATED ON THE CONTRACT MUST BE EQUAL TO THE VOLUME THAT THE APPROPRIATOR CONSUMES FROM MUDDY CREEK IN THE AMOUNT OF UP TO 46.6 ACRE FEET FROM APRIL 15 TO SEPTEMBER 15 INCLUSIVE OF EACH YEAR. DELIVERIES OF WATER UNDER SUCH CONTRACT MUST BE COMMENCED THE CALENDAR YEAR AFTER DIVERSIONS UNDER THIS PERMIT COMMENCE. APPROPRIATORS CONTRACT WITH THE BOR MAY PROVIDE THAT IN THE CALENDAR YEARS SUBSEQUENT TO THE FIRST CALENDAR YEAR IN WHICH WATER IS TO BE PUT TO BENEFICIAL USE, THE CONTRACT VOLUME DELIVERED MAY BE EQUAL TO BUT NOT LESS THAN THE VOLUME OF WATER ACTUALLY CONSUMED BY THE APPROPRIATOR IN THE PREVIOUS CALENDAR YEAR. A DELIVERY SCHEDULE ALLOWED BY THE BOR AND WHICH RESULTS IN THE FULL REPLACEMENT OF THE PRIOR CALENDAR YEARS CONSUMED VOLUME DURING THE FOLLOWING CALENDAR YEAR SHALL BE DEEMED SUFFICIENT UNDER THIS PERMIT. APPROPRIATOR SHALL SUBMIT TO THE HAVRE REGIONAL OFFICE WITH ITS WATER MEASUREMENT RECORDS ON NOVEMBER 30 OF EACH YEAR PROOF OF THE WATER SERVICE CONTRACT WITH BOR AS DESCRIBED ABOVE. DIVERSION UNDER THIS PERMIT MUST STOP IF ANY PART OF THE REQUIRED MITIGATION CEASES.

WATER MEASUREMENT INFORMATION

THE APPLICANT SHALL ALSO INSTALL A FLOWMETER/TOTALIZER IN THE DIVERSION PIPE WHICH CONVEYS WATER TO THE PLACE OF USE. WATER WILL NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICES ARE IN PLACE AND OPERATING. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT RECORDS MAY BE CAUSE FOR REVOCATION OF THE AUTHORIZATION. THE RECORDS MUST BE SENT TO THE HAVRE WATER RESOURCES REGIONAL OFFICE.

PUBLISHED IN: CHOTEAU ACANTHA ON DECEMBER 16, 2015.